

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TROY A. SYKES,

Plaintiff,

v.

AVENAL STATE PRISON, et al.,

Defendants.

Case No.: 1:23-cv-00966-JLT-SKO (PC)

**ORDER GRANTING PLAINTIFF'S
REQUEST TO SUBSTITUTE PARTY**

(Doc. 26)

Plaintiff Troy A. Sykes is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. section 1983.

I. INTRODUCTION

Following screening, this action proceeds on Plaintiff's Eighth Amendment conditions of confinement claim against Defendant John Doe, Food Services Head Manager at Avenal State Prison. (*See* Docs. 14 & 15.)¹

On October 24, 2024, the Court issued an order granting Plaintiff ninety days within which to identify John Doe and to file a notice of substitution. (Doc. 16.)

Following issuance and service of a subpoena (*see* Docs. 24 & 25), Plaintiff filed a document titled "Plaintiff's Response to Court (Doc. 16) and Motion to Name Defendant" on

¹ Previously named defendants Gamboa, Hernandez, Supervising Correctional Cooks, J. Moekly, H. Moseley, and A. Shimmin were dismissed from this action, along with all other claims, on October 21, 2024. (Doc. 15.)

June 12, 2025. (Doc. 26.) The Court construes the filing to be a request to substitute the actual name for the individual sued as John Doe, ASP Food Service Head Manager.

II. DISCUSSION

Plaintiff seeks to substitute Bryan S. Folks, Correctional Food Manager II, for John Doe, ASP Food Service Head Manager. (Doc. 26.)

Federal Rule of Civil Procedure 15(c), Relation Back of Amendments, provides:

(1) When an Amendment Relates Back. An amendment to the pleading relates back to the date of the original pleading when:

(C) the amendment changes the party or the naming of the party against whom a claim is asserted, if Rule 15(c)(1)(B) is satisfied and if, within the period provided by Rule 4(m) for serving the summons and complaint, the party to be brought in by amendment:

(i) received such notice of the action that it will not be prejudiced in defending on the merits; and

(ii) knew or should have known that the action would have been brought against it, but for mistake concerning the proper party's identity.

Plaintiff did not submit a proposed amended complaint identifying the defendant by name in the pleading as contemplated by Rule 15(c) and Local Rule 220. The October 24, 2024, “Order Granting Plaintiff 90 Days to Identify Defendant John Doe” directed Plaintiff “to substitute this defendant’s actual name by filing a ‘notice of substitution’” once he learned the individual’s actual name through limited discovery. (*See* Doc. 16 at 3.)

Pursuant to the first amended complaint, Plaintiff identifies John Doe, ASP Food Service Head Manager, with sufficient facts concerning his involvement in the alleged Eighth Amendment conditions of confinement claim at issue. (Doc. 11.) The missing food and/or inadequate portions of food occurred between December 12, 2022, and July 28, 2023. (*Id.* at 3, 6-7 [claim one].) Thus, the filing of an amended complaint to substitute the name of Jane Doe L.V.N. is unnecessary.

Accordingly, the first amended complaint will remain the operative complaint in this action and the Court will substitute John Doe, ASP Food Service Head Manager for the named defendant Plaintiff identifies: Bryan S. Folks, Correctional Food Manager II. *See, e.g., Cantu v.*

1 *Doe I*, No. 1:20-cv-00386-HBK, 2021 WL 2822531, at *1-2 (E.D. Cal. July 7, 2021); *Altheide v.*
2 *Williams*, No. 2:17-cv-02821JCM-BNW, 2020 WL 42462 * 1 (D. Nevada Jan. 3, 2020) (similarly
3 treating previously filed complaint as the operative complaint but substituting named-defendants
4 for the John Doe Defendants).

5 **III. CONCLUSION AND ORDER**

6 For the foregoing reasons, **IT IS HEREBY ORDERED** that:

- 7 1. Plaintiff's request to substitute John Doe, ASP Food Service Head Manager (Doc. 26)
8 is **GRANTED**;
- 9 2. The Clerk of the Court is **DIRECTED** to substitute **Bryan S. Folks**, Correctional
10 Food Manager II, for John Doe ASP Food Service Head Manager in the caption for
11 this action; and
- 12 3. Limited discovery is now closed. The Court will issue a separate order regarding
13 service of process in due course.

14 IT IS SO ORDERED.

15 Dated: **June 16, 2025**

16 */s/ Sheila K. Oberto*
17 UNITED STATES MAGISTRATE JUDGE
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